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July 27, 2016

VIA ECF

Honorable Douglas E. Arpert, U.S.M.J.
United States District Court
District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

**Re: Merck Sharp & Dohme Corp. v. Actavis Laboratories FL, Inc., et al.,
Civil Action No.: 15-cv-06075-PGS-DEA**

Dear Judge Arpert:

We, along with Cravath, Swaine & Moore LLP, counsel for Plaintiff Merck Sharp & Dohme Corp. ("Merck") and Goodwin Procter LLP and Walsh Pizzi O'Reilly Falanga LLP, counsel for Defendants, Actavis Laboratories FL, Inc., Andrx Corp., Actavis Pharma, Inc., and Actavis, Inc. ("Actavis"), respectfully request leave to file the attached First Amended Joint Claim Construction and Prehearing Statement.

While waiting for the pending order regarding Merck's letter application seeking Actavis's constructions for three disputed claim terms (*see* ECF Nos. 44 and 47), the parties have continued to meet and confer to resolve and/or narrow some of the claim construction issues in advance of filing opening claim construction briefs on August 3, 2016 (unless adjourned in light of the Court's ruling on Merck's letter application). As a result of the parties' efforts, a [Proposed] Stipulation and Order has been submitted to Judge Sheridan (ECF No. 52-1). The Stipulation and Order removes asserted claim 13 from this action and reduces by three the number of claims terms to be construed. Additionally, the parties have supplemented the extrinsic evidence cited in support of their respective claim construction positions. The First Amended Joint Claim Construction and Prehearing Statement reflects the reduction in claim terms and the supplemental extrinsic evidence.

With Your Honor's approval, we will proceed with filing the First Amended Joint Claim Construction and Prehearing Statement on the public docket. The parties thank the Court for its time and assistance in this matter. If the Court would like to discuss this issue, the parties will make themselves available at the Court's convenience.

Respectfully submitted,

s/ David E. De Lorenzi

cc: Counsel of Record via ECF and email